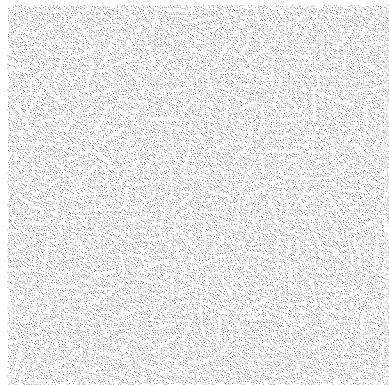


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**From:** Schmittiel, Paula  
**Sent:** Thur 2/5/2015 6:38:47 PM  
**Subject:** USACE IA for the Upper Animas



Kate – This is a follow-up to our quick hallway conversation the other day in Region 8 on our needs for USACE assistance for the Upper Animas River watershed in SW Colorado.

Currently, we have a small (\$100,000) “task order” under our generic IA with the Omaha District to conduct an organization & evaluation of any and all data regarding the Upper Animas River watershed (UA). The water quality in the Animas River continues to deteriorate further downstream.

Soon after the “task order” was issued to the Omaha district, they informed me that future work would have to go thru the Sacramento District under a new site specific IA. Mary Darling put me in touch with Dan McMIndes and I have had several discussions with him and Gary Krongard who will probably be the Project Manager for the UA. Although the UA is not even proposed to the NPL, it has become critical that EPA proceed forward with RI/FS-type work in hopes that we can begin to turn the tide of public opinion in Silverton. Two issues have come up in discussions with USACE on the “Phase II” work that the Region is planning to conduct.

1. **Quality Assurance** – The Region has a QMP with the Omaha District that was just updated this fall. Our QA office has signed and approved this QMP and is quite happy with it. The Sacramento District does have QMPs with EPA Region 9 & Region 10 but they are old and almost out of date. Our experience with the getting a QMP approved in Region 8 is that it is at least a 2 year process and that was with Omaha where we’ve have a lot of good working experience.

In the discussions we’ve had between Omaha and Sacramento, Sacramento has indicated that one way to “fix” this would be to have all QA issues for the UA project be handled out of Omaha. They have indicated that they hope to have a project manager from Omaha on the UA team anyway. And Sacramento has admitted that their QA isn’t very good. We would make this

a Term & Condition of the IA as well as it would be embodied in their Project Management Plan. I have not yet received a straight answer from our QA Office in the Region that this would be acceptable to them so that Liz Fagan, RPM and I could review and approve the QAPPs & SAPs for this project without our QA office being involved.

The alternative would be to have the IA with the Omaha district but I know that is not USACE's preference.

**2. Contracting Issues** – When Region 8 decided to go with USACE, it was b/c we were looking for a long-term contract with a qualified contractor that could perform RI/FS type work. USACE search available contracts in their organization and found that their Louisville district had the "MATOC" contract with 5 very qualified contractors that would last until 2022. And there was plenty of capacity still available. The Region expects that a significant amount of the RI/FS work will be fund-lead but there are potentially 1 or more PRPs that may conduct portions of RI/FS work under an administrative order.

The UA is a large watershed high in the San Juan Mtns of SW Colorado where extensive hardrock mining occurred over the last 100+ years. It is a very remote site – 2 mtn passes >10,000 ft. to drive over and a limited field season - ~ 4 months. The sole town in the entire watershed is Silverton and the citizens have been very opposed to an NPL listing. With the potential for PRP-lead work as well as fund-lead, it would be in the government's best interest to have both the fund-lead work as well as the PRP-oversight work under the same contractor for several reasons.

- The need for 1 contractor that has a "global" perspective to assist EPA with managing the RI/FS (s) work.
- The efficiencies in the field of being able to oversee PRP work while also performing the necessary fund-lead work.
- The perception to the community of several government contractors would not bode well.

USACE recently identified a major contracting concern as to whether they could actually engage 1 contractor for both fund-lead and for PRP oversight unless it was under 1 IA or 1 task order. Several options have been discussed for how to address EPA's desire for using 1 contractor for both purposes.

- Sacramento is discussing with their contracting officer whether they could do a "SATOC" under the MATOC contract to procure just one contractor. This is if we issue USACE two separate IAs – 1 for fund-lead and 1 for PRP oversight. They should be getting back to me early next week as to what they have found out.

- The other option which I am not sure of is if the Region can issue just 1 IA with both types of work and USACE goes out with just 1 very large task order to cover both fund-lead and PRP-oversight work. They could certainly track the work separately but I'm not sure if our financial tracking system will accept this.

Right now, I am still trying to work out both of these issues here in the Region but if I am not able to work out them out in the next couple of weeks, I would need your assistance and suggestions as to what could be done. If you do have any thoughts in the interim, please give me a call. Thanks.

Paula Schmittiel

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